

Appl. No. : **09/818,699**
Filed : **March 27, 2001**

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Discussion of Restriction Requirement

In the Office Action, the Examiner made restriction to one of the following inventions:

- I. Claims 1, 5-9, drawn to a method of transferring and retrieving encrypted data files.
- II. Claims 2-4, drawn to a method of storing data files.

Applicant hereby affirms the election of Group I, without traverse.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

In the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,785,812 to Botham, Jr. et al. (hereinafter "Botham"). Claims 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Botham in view of U.S. Patent Publication No.: 20001/0001876, to Morgan, et al. (hereinafter "Morgan"). Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Botham in view of U.S. Patent No. 6,701,324, to Cochran, et al. and further in view of U.S. Patent No. 5,789,195, to Prihoda, et al. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Botham in view of U.S. Patent No. 6,094,721, to Eldridge, et al.

Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P. § 2131. Furthermore, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P. § 2143.03. Applicant respectfully submits that at least one limitation is not taught or suggested by any of the cited references.

In one embodiment, a public encryption key is associated with a client. In this embodiment, if the client sends a requests to a network server for a data file, the server

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automatically retrieves the public, encrypts the requested data file using the public encryption key, and sends the encrypted data file to the client.

Turning to the claims, it is seen that Claim 1 recites, among other limitations: “automatically retrieving said public encryption key from said client computer system, (3) encrypting said data file with said public encryption key in said server automatically and without user intervention.” Independent Claims 5 and 8 each include similar types of claim limitations. Applicant respectfully submits that the cited prior art fails to teach or suggest at least this limitation.

Botham generally describes a secure and controlled electronic document distribution system. In Botham, a server computer encrypts a data file prior to transmitting the data file to a client computer. *See* col. 4, lines 12-18. The server computer may also define certain access rights associated with the data file using an ID that is provided by the client. *See* col. 4, lines 2-9. However, Botham fails to describe providing a public key. Furthermore, Botham fails to describe encrypting a data file using the public key of the client device.

Moreover, Applicant respectfully submits that this limitation is not taught or suggested by the other cited art relied upon by the Examiner. Morgan was cited for describing persistent storage of encrypted data files. Prihoda was relied upon in the Office Action for describing the usage of file attributes. Eldridge was cited for deriving keys using passwords. Eldridge fails to describe automatically using a public key of a client device when a server transmits a data file to the client device. Applicant respectfully submits that since the cited prior art fails to teach or suggest at least the above-listed limitations, these claims are now in condition for allowance.

Summary

Applicant has endeavored to address all of the Examiner’s concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and

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withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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